IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO.523 OF 1991

The State of Maharashtra
(through Food Inspector
Shri Ajansondkar) ...Appellant.

V/s

Shri Omprakash Shivnarayan,
Kalani, R/o. Kawad,
Tal. Bhiwandi, District-Thane ...Respondent.

Mr. A.M. Shringarpure, APP for the appellant.

Mr. P.U. Badadare holding for C.V. Babardesai for the respondent.

CORAM: V.M.KANADE,J.
DATE: 9th December, 2004

ORAL JUDGMENT:

1. Heard the learned APP for the appellant - State and the learned Counsel appearing on behalf of the respondent.

2. State is challenging the Judgment and Order passed by the Judicial Magistrate, First Class, Bhiwandi, Thane in Regular Criminal Case No.303 of 1984. By the said Judgment and Order dated 8/5/1991, the Trial Court acquitted the accused of the offence punishable under the provisions of Prevention of Food Adulteration Act.

3. The learned APP has taken me through the Judgment and Order of the Trial court and also the evidence

adduced by the prosecution. A perusal of the evidence clearly shows that the sample was sent to the Public Analyst on 14/2/1984. As per Rule 7(3) of the Act, the Public Analyst is under an obligation to forward the report within 40 days after the receipt of the sample. However, the Public Analyst has not stated the date of the analysis. This Court in the case of **State of Maharashtra Vs. Gangadhar Kishan Paitwar** reported in **P.F.A. Cases (II) Page 85** has held that in the absence of a date of analysis being mentioned in the report, the report loses its evidentiary value and the conviction cannot be based on such report. Moreover, after having perused the sanction which has been granted by the Competent Authority, it can be seen that the letter of sanction appears to have been issued mechanically without taking into consideration the fact that the sanction has been accorded in public interest. The order of sanction also is vague. Thus, there is clear violation of the provisions of section 20 of the Act and the sanction is, therefore, invalid. In my view, therefore, there is no reason to interfere with the order passed by the Trial Court. The Judgment of the Trial Court is, therefore, confirmed.

Appeal is dismissed.

V.M. KANADE, J.